

WASHINGTON COUNTY COMMISSION MEETING
MINUTES
APRIL 21, 2009

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on April 21, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of List of Auditor Approved Claims for Payment for April 8, 2009, through April 21, 2009
- Consideration of Approval of Regular Commission Meeting Minutes / None
- Consideration of Applications for Property Tax Abatement (2)
Linda Greenwood, Serial Number SG-WSPT-6-96; and Richard & Lillian Oliphant, Serial Number W-OLH-1-7
- Consideration of Administrative Adjustments / Personal Property
- Consideration of Administrative Adjustments / Real Property
- Consideration of Applications for Settlement or Deferral of Property Taxes (6)
Joseph & Sandra Baird, Serial Number SG-EST-2-38, \$1,161.67; Roger & Esthela Martin, Serial Number SG-BLH-1-7, \$5,676.12; Jon Hansen, Serial Number SG-RBE-B-11-B-A, \$894.61; Douglas & Flora Johnson, Serial Number H-DSP-B-103, \$2,038.74; Stephen Moody, Serial Number SG-271-A, \$6,755.65; Niota Investments, LLC, Serial Number W-5-2-16-216, \$11,785.03; Deborah Steed, Serial Number SG-SFE-2-50, \$5,548.59
- Acknowledgment of Publishing: Notice of Adoption of Ordinance Nos. 2009-969-O and 2009-972-O, published on April 11, 2009

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION
MEETING /APRIL 14, 2009

CONDITIONAL USE PERMIT EXTENSION. Review extension to quarry sandstone and locate a screening operation in the SW 1/4 NE 1/4, Section 22, T43S, R13W, SLB&M, generally located 4-1 / 2 miles south of Grassy Meadows Sky Ranch. R&W Inc., applicant/Brian Zitting, agent

This item was tabled at the previous meeting due to a lack of representation. The commission should recall this extension and previous reviews on the road conditions. This particular use was approved by BLM for a five (5) year period, with a yearly review, and this is its fourth (4th) extension. The rocks are referred to as stacking stones from a sandstone quarry. R&W Excavation remove 20 to 30 loads per year. The quarry was operated by another group for a couple of years before R & W Inc. took over. The applicant reported that BLM has opened this same pit up for public use and the fee for reclamation is included in the prepayment of royalty fees. They will no longer be able to put a cable across the road for private access. If extended, the commission should continue to make its recommendation subject to the requirements of the initial request, listed as follows: 1) a road bond in place in an amount (\$5,000) suggested by the County Road Supervisor; 2) an insurance policy in the amount of one-million dollars (\$1,000,000); and 3) the trucks will not run during the time of the opening and closing of the local elementary school. The commission may want to consider granting this use on a permanent basis. Unanimous decision to recommend approval to quarry sandstone and locate a screening operation south of Grassy Meadows Sky Ranch, subject to getting clearance from BLM regarding their policies regarding public & private access together, with the understanding that the existing conditions will continue, and a cable will not be required across the road, with a permanent status.

CONDITIONAL USE PERMIT EXTENSION. Review extension for ATV and jeep wilderness tours on Sand Mountain, BLM Land, with staging area located south of Grassy Meadows Sky Ranch. Jim Clay, applicant.

This item as tabled at the previous meeting due to a lack of representation. The planner explained that this is their second (2nd) extension for ATV and jeep wilderness tours and there appears to be a violation on the use where the home occupation license was granted for office space only. There have been complaints from the community that Mr. Clay has been starting the ATV's at his home, instead of utilizing the staging area agreed upon. As reviewed previously, the applicant has been permitted through BLM for the Sand Mountain area since 2000. The applicant has provided a letter from BLM acknowledging the staging area and he has a valid Special Recreation Permit from BLM until December 2016. The County is listed as a beneficiary on the liability insurance. The applicant is a certified ATV Safety Instructor and trained in CPR with the Utah Emergency Medical Training Council. Mr. Clay previously submitted a pre-ride checklist, safety talk outline, and survival box contents for the commission's review. There are nine (9) tours ending by 8:00 p.m. and approximately six (6) jeep tours during the year. Due to Mr. Clay's terminal illness, Connie Clay has the Power of Attorney to operate the business for their

children. Ms. Clay indicated she would comply and move the ATV's to a storage facility. Staff suggests that ATV's be located in a commercial storage area, whereas having clients come to the home is in violation of the Home Occupation Business License. No action on this item allows for the use to expire.

Findings of Fact:

- Applicant is in violation of Home Occupation License by having ATVs on site
- Permanent removal of ATVs would remove violation

Motion was made by Commissioner Everett to recommend approval for an extension of ATV and jeep wilderness tours on Sand Mountain, BLM land, with staging area located south of Grassy Meadows Sky Ranch, subject to eliminating the problem of vehicles being stored on site, and subject to certification by applicant that the problem causing the violation will be cleared up before the extension becomes effective, for a period of one (1) year. Commissioner Wilson seconded the motion. Five (5) commissioners voted Aye. The motion carried.

CONDITIONAL USE PERMIT EXTENSION. Review extension to locate a 100' monopole, co-location communication site east of Diamond Valley, within the OST-20 zone, E 1 / 2 Section 36, T40S, R16W, SLB&M. WWC Holding (Alltel) Maurine Bautman, agent.

This is the second (2nd) extension, and communication towers are conditionally approved within the OST-20 zone. As previously reviewed, the applicant submitted the site location plan and should have simulated photos showing what the tower will look like when traveling on a nearby roadway. The application meets the requirements for one hundred feet (100') in height, with co-location, and accessory equipment shelters drawn for review. There was no need to create a "fall" zone, as this property is located a distance from other private property and there are no existing structures in the surrounding area. The leased area is 50' x 50' and the tower was centrally located. The commission made findings for co-location and the pole would be painted to Staff's satisfaction. Building Official Kurt Gardner advised the commission on the construction of the monopole, and photos were provided.

Unanimous decision to recommend approval for a Conditional Use Permit Extension on a 100' monopole, co-location communication site east of Diamond Valley, on a permanent status.

CONDITIONAL USE PERMIT EXTENSION. Review extension on a Tower for Verizon Wireless at Big Mountain communications facility in Section 4, T38S, R16W, on Forest Service property near Enterprise. Connie Misket/Technology Associates International Corporation, agent

Ms. Misket was not able to attend the meeting but requested an extension for another year. The Forest Service has been backlogged on application reviews and will not be able to process this application until 2010. This is the second (2nd) extension, and the project has not been completed. Communication towers are conditionally approved within the OSC-20 zone. As previously reviewed, the applicant submitted the site location plan and photos of the project site showing what the site looks like currently. There is a requirement for co-location and the accessory equipment shelters are existing. This application meets the requirement for a "lattice type" tower and there may be no need to create a "fall" zone, as this property is located a great distance from other private property, with the leased area being 100' x 100' and the tower being located on the north side of the parcel. The steel lattice tower is 100' in height with an underground concrete foundation. There is a 6' tall chain link fence with barbed wire for security purposes.

Unanimous decision to recommend approval for a Conditional Use Permit Extension on a Tower for Verizon Wireless at Big Mountain communications facility on Forest Service property near Enterprise, for one (1) year.

MOTION: Motion by Commissioner Drake to Approve Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

EMERGENCY SERVICES REPORT / CORY PULSIPHER

Cory Pulsipher, Administrative Lieutenant with the Washington County Sheriff's Office, briefed the Commission on current events in the Five County Region. 2008 grant app was accepted, just received final bid for Reverse 911 system through Plant CML which comes to just over 200,000 for the region. That will incorporate Garfield, Washington, and Kane; Beaver and Iron Counties already purchased their Reverse 911 system. Before accepting the final bid, it will be necessary to get the Memorandum of Understanding (MOU) in place with all the counties and communities and make sure everyone understands what it will provide and what the additional costs will be on an annual basis to maintain the licensing and user fees.

Cyndi Moody, Interim Emergency Services Manager, has been finalizing the 2009 Grant Application and will be submitting that for approval. Three major areas of concern are: (1) Hazardous materials; (2) Interoperability enhancement; (3) Planning, training and exercise. Currently in Washington County, an Exercise Committee is being assembled to develop exercises in preparing for the 2010 Ironman Triathlon, for which two thousand five hundred (2,500) applicants are expected.

Search and Rescue has been quite busy since the last report. There have been twelve (12) responses since February 23rd, most of them involving snowmobiles. Also, several medical assists have been required, primarily in the Hurricane / Sand Dunes area. Most of the call-outs are from local people rather than from tourists.

PURCHASE REQUEST(S) / MARK BLANCH

Regional Park, stall fronts	\$ 17,746.00
Road Department, cement barriers	16,520.00

Commissioner Eardley was unclear about the configuration and price of the stall fronts and indicated he would like to reserve formal approval until such time as the Commission has an opportunity to review these structures.

MOTION: Motion by Commissioner Drake to Approve above Purchase Requests Subject to Review of the Stall Fronts for the Regional Park. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

All purchases are budgeted, bonded, or paid for through grant funds.

PRESENTATION OF WASHINGTON COUNTY BUSINESS PATRIOT AWARDS TO COUGHLIN COMPANY AND VIRACON / COMMISSIONER DRAKE

Commissioner Drake said that this item should be tabled until the next meeting because the owners of these two businesses were unable to attend the meeting today to receive their awards.

MOTION: Motion by Commissioner Gardner to Table this item until the Commission Meeting of May 5, 2009. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1330, A RESOLUTION DISCONTINUING THE SERVICE OF SEWER FROM THOSE SERVICES AUTHORIZED TO BE PERFORMED BY THE DAMMERON VALLEY SPECIAL SERVICE DISTRICT

David Patterson said that the Commission signed a contract with the Washington County Water Conservancy District ("Water District") which becomes effective upon the approval of this Resolution. The Water District has obtained the names and addresses of the residents in that area and has scheduled a meeting to explain the transition and present

information regarding sewer service. The Commission will continue to act as the Administrative Control Board.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1330, A Resolution Discontinuing The Service Of Sewer From Those Services Authorized To Be Performed By The Dammeron Valley Special Service District, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1331, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN VAN ENTERPRISES CORPORATION AND WASHINGTON COUNTY TO CONSTRUCT TWO (2) ARENA ROOFS AT THE WASHINGTON COUNTY REGIONAL PARK

Mr. Patterson said that Washington County Building Official Kurt Gardner has been reviewing some of the specifications of these structures and discovered some deficiencies. Once Mr. Gardner is satisfied with the changes that are made, this item will be brought back before the Commission for its consideration.

MOTION: Motion by Commissioner Gardner to Table Resolution No. R-2009-1331, A Resolution Approving The Execution Of An Agreement Between Van Enterprises Corporation And Washington County To Construct Two (2) Arena Roofs At The Washington County Regional Park. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1332, A RESOLUTION APPROVING THE EXECUTION OF A RIGHT-OF-WAY AND EASEMENT GRANT FROM WASHINGTON COUNTY TO QUESTAR GAS COMPANY

Commissioner Drake said that this item refers to the easement at the Regional Park area.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1330, A Resolution Discontinuing The Service Of Sewer From Those Services Authorized To Be Performed By The Dammeron Valley Special Service District, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Washington County Public Works Director Ron Whitehead updated the Commission on current projects in the County. The North Creek National Resources Conservation Service (NRCS) project is nearly finished. The project has been extended upstream to grind up some of the large debris that came down during the recent flood. SunRoc is doing the grinding and expects to have it complete by next week.

Tobin Wash Crossing is nearly complete; we've paved the road and put up the barriers on the side of the wash crossing right now, we anticipate the road open Thursday for general traffic. The contractor is still working in the Gunlock and Tobin areas, and people are cautioned not to stop and impede the progress of those large trucks because it is difficult for the large equipment to stop quickly. There is a Cactus Hugger Bicycle Ride scheduled for Saturday, and that group has also been told to yield the right of way to the big trucks.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:35 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN